

R E M A R K S

In accordance with the foregoing, claims 26,-27, 32-36, 38-45 are amended.

No new matter is being presented, and approval and entry of the Amendment are respectfully requested.

The outstanding Office Actions are addressed in reverse order.

AMENDMENT TO INDEPENDENT CLAIMS

Independent claims 26, 27, 36, and 41 particularly set forth that the second type of material is more elastic than the first type of material. Support is found in Applicant's original disclosure at page 3, first paragraph, which is directed to the nose piece material. "The [nose piece] material is **more elastic than** the nylon strapping used in other head halters." As set forth on page 3, last paragraph, directed to the present invention "...a flat nylon strap for the collar (behind the ear strap)."

REJECTION UNDER 35 U.S.C. § 112

Claims 35, 40, and 45 stand rejected under 35 U.S.C. § 112 for including the term "softer." This rejection is rendered moot through cancellation.

Claims 27-35 stand rejected due to lack of antecedent basis for the term "non-flat portion" in claim 27. This has been corrected in accordance with the Examiner's helpful suggestion.

Withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 27-29 stand rejected over Borchelt et al., U.S. Patent No. 5,992,352.

Independent claim 27 now particularly sets forth that the second material is a second type of material. This renders moot the rejection that was based on Borchelt's nose strap 50 being potentially a different width than Borchelt's neck strap 20.

Moreover, independent claim 27 sets forth that the second type of material is more elastic than the first type of material.

Reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

The Office Action relies upon Borchelt, '352, Woodruff, U.S. Patent No. 4,472,925, and DeGroot, U.S. Patent No. 4,483,275 in various combinations. Anderson, U.S. Patent No. 4,838,206, is merely relied upon as teaching a piercable fabric. It is respectfully submitted that the claims define over the references alone or in combination.

Woodruff (a horse halter) is relied upon in the Office Action as teaching a cylindrical braid material. See O.A. of Nov. 15, 2005, at pg. 4, last paragraph. The relevant section of Woodruff, col. 4, ln. 20-27, is reproduced for convenience:

...Halter 30 may be constructed of rope, cable or other flexible material. Halter 30 is preferably constructed of ordinary braided rope that is so constructed so as to not chaff the animal's skin. Other possible construction materials include braided rawhide and/or a plastic coated metal cable.

Halter 30 is preferably constructed from **a single strand** 90 of flexible material. (emphasis added)

The reason for combination of Woodruff by the Office Action is that the rope shape of Woodruff reduces chaffing and that use in place of the nose strap of Borchelt (or DeGroot), would be suitable for that purpose.

However, the pending claims now set forth, *inter alia*, the aspect of elasticity. This is not an issue for Woodruff, because the Woodruff halter is formed from a continuous loop. Common sense would therefore suggest that any "play" in the ordinary rope material of the Woodruff horse halter is compensated for by the constriction of the continuous loop. This is not available for the design of the canine head halters of the present invention, Borchelt, and DeGroot. Further, these halters are not formed from a continuous loop.

Second, the Applicant respectfully emphasizes that **ALL** references form **ALL** material portions of the head halters from the same material. Woodruff forms his head halter from a continuous loop to be economically advantageous. See Woodruff at col. 1, ln. 35-37.

All references are silent with regard to the design considerations of elasticity. All references are silent with regard to the use of different types of materials in the same halter.

Further, Applicant respectfully asserts that "lofted" is not the same as ordinary braided rope. As set forth by the exhibits previously presented, lofted is the type of cord that has some sort of member inside of the braid to retain its cylindrical shape. Ordinary rope does not have the internal member.

Reconsideration and withdrawal of the outstanding rejection are respectfully requested.

Serial No.: 09/736,408

Atty. Docket: 4523-001  
(MFB-0001)

REQUEST FOR CONSIDERATION OF INFORMATION DISCLOSURE

At this point in prosecution, the Examiner has yet to consider and return a signed copy of the FORM PTO-1449 filed July 8, 2005. Consideration and return is respectfully requested.

REQUEST FOR CONSIDERATION OF APPLICANT'S BOOK

The Examiner is respectfully requested to review and comment on the book published by Applicant, and included in the file of this case. In particular, Applicant was aware of and specifically improved upon the prior halters, and in particular the Borchelt and DeGroot halters. The Examiner is respectfully requested to comment on the weight given to Applicant's consideration and improvement as evidenced in the first five pages of Applicant's book.

Comment by the Examiner will clarify the record in this case.

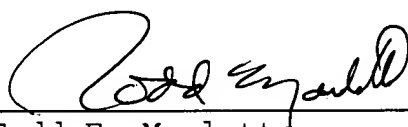
CONCLUSION

In view of the new claims and remarks set forth above, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

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